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W.P.No.31398 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31398 of 2019

1.M.Rathi
2.S.Nalini

...Petitioners

Vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Project Director,
National Highways Authority -N.H.-5,
Project Implementation Unit – Chennai,
Sri Tower, 3rd Floor, DP34(SP) Industrial Estate,
Chennai – 600 032.

3.The Competent Authority/
The Special District Revenue officer (L.A.),
National Highways,
Kancheepuram & Thiruvallur District,
Taluk Office, Poonamallee.

4.S.Ravikumar
5.S.Veeraraghavan
6.Kasturi Bai
7.R.Priya
8.R.Prabhu

..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3rd respondent to consider the representation of the petitioners, dated 09.10.2019 and to disburse 1/5th share each to the petitioners in the total compensation amount payable on the extent of land acquired, which is measuring an extent of 188 Square mtrs. comprised in Survey No.235/8B2 situated at Panpakkam Village, Keezhmuthalambedu Group-1, Gummidipoondi Taluk, Tiruvallur District.

For Petitioners : Mr.R.Munusamy

For Respondents 1 & 3 : Mr.P.Kumaresan,
Additional Advocate General,
for Mr.G.Krishnaraja,
Additional Government Pleader

For Respondent 2 : Mr.Su.Srinivasan

For Respondents 4 to 8 : No appearance

ORDER

The relief sought for in the present writ petition is to direct the third respondent to consider the representation of the petitioner dated 09.10.2019 and to disburse 1/5th share each to the petitioners in the total compensation amount payable on the extent of land acquired, which is measuring an extent of 188 Square mtrs. comprised in Survey No.235/8B2 situated at Panpakkam Village, Keezhmuthalambedu Group-1, Gummidipoondi Taluk,



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Tiruvallur District.

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2. The petitioners state that the compensation due to them were not settled, despite the fact that they have communicated the copy of the civil court decree to the land acquisition officer.

3. The learned counsel for the petitioners state that the civil decree of the year 2015 was furnished, before the competent authorities for the purpose of settling the compensation. However, there was an enormous delay in settling the compensation and finally, the said compensation amount was settled in the year 2021, after a lapse of two years from the date of filing of the writ petition.

4. The petitioners state that they are entitled for the interest for the period of delay in settling the compensation.

5. The learned Additional Advocate General and the learned counsel appearing on behalf of the National Highways Authority raised an objection by stating that there was a dispute between the family members and thus,



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the compensation amount was deposited and therefore, the petitioners are not entitled for interest.

6. The relevant dates are to be considered for the purpose of settling the interest. If at all there is a delay on the part of the authorities in settling the amount, the petitioners are entitled for the interest amount for the said period. The relevant dates and production of civil decree by the petitioners are to be taken into consideration.

7. This being the factum, the petitioners are at liberty to submit their fresh representations setting all the facts and circumstances along with the relevant documents to ascertain their entitlement to claim interest within a period of four weeks from the date of receipt of a copy of this Order. On receipt of the said representation from the petitioners, the third respondent is directed to consider the same with reference to the land acquisition proceedings and pass final orders on merits and in accordance with law within a period of eight weeks thereafter.

8. With these directions, the writ petition stands disposed of. No



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Index: Yes
Speaking Order
Neutral Citation: Yes

To

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S.M.SUBRAMANIAM, J.

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